

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/961,414	HIRAI ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Vanessa L. Ford	1645	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 12 November 2004.
2. ☒ The allowed claim(s) is/are 4 and 6-10, renumbered 1-6, respectively.
3. ☒ The drawings filed on 25 September 2001 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material

5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

*[Signature]*  
 NTA MINIRELD  
 PRIMARY EXAMINER

### **ALLOWANCE**

1. This Office Action is responsive to Applicant's remarks in the Appeal Brief filed November 12, 2004. All rejections of record are withdrawn in view of Applicant's amendment and remarks. Claims 4 and 6-10 are allowed.
  
2. The following is an examiner's statement of reasons for allowance. The prior art cited neither teaches nor suggests a method for adsorptive removal of an staphylococcal enterotoxin in a body fluid which comprises contacting an staphylococcal enterotoxin containing body fluid with an staphylococcal enterotoxin adsorbent to adsorb and remove the staphylococcal enterotoxin wherein said enterotoxin is at least one selected from the group consisting of staphylococcal enterotoxins A, B, C1, C2, C3, D, E, G, H, and I, said adsorbent comprises a compound with a log P in which P represents a partition coefficient in an octanol-water system valued of not less than 3.00 as immobilized on a water-insoluble carrier.

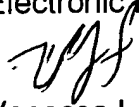
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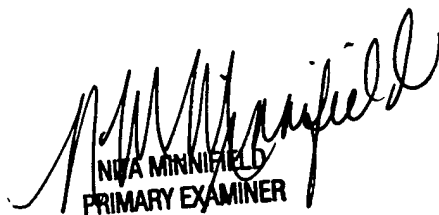
3. Any inquiry of the general nature or relating to the status of this general application should be directed to the Group receptionist whose telephone number is (703) 308-0196.

Papers relating to this application may be submitted to Technology Center 1600, Group 1640 by facsimile transmission. The faxing of such papers must conform with the notice published in the Office Gazette, 1096 OG 30 (November 15, 1989). Should applicant wish to FAX a response, the current FAX number for the Group 1600 is (703) 872-9306.

Any inquiry concerning this communication from the examiner should be directed to Vanessa L. Ford, whose telephone number is (571) 272-0857. The examiner can normally be reached on Monday – Friday from 9:00 AM to 6:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynette Smith, can be reached at (571) 272-0864.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov/>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Vanessa L. Ford  
Biotechnology Patent Examiner  
February 21, 2005

  
NWA MINNIFIELD  
PRIMARY EXAMINER

### **CLEAN COPY OF CLAIMS**

1. A method for adsorptive removal of an enterotoxin in a body fluid which comprises contacting an enterotoxin-containing body fluid with an enterotoxin adsorbent to adsorb and remove the enterotoxin, wherein said enterotoxin is at least one selected from the group consisting of staphylococcal enterotoxins A, B, C1, C2, C3, D, E, G, H, and I, said adsorbent comprising a compound with a log P, in which P represents a partition coefficient in an octanol-water system, value of not less than 3.00 as immobilized on a water-insoluble carrier.
2. The method according to claim 1, wherein said water-insoluble carrier is a water-insoluble porous carrier.
3. The method according to claim 2, wherein said water-insoluble porous carrier has a molecular weight of exclusion limit of 50000 to 600000 for globular protein.
4. The method of claim 1, wherein said compound with a log P value of not less than 3.00 is at least one selected from the group consisting of unsaturated hydrocarbons, alcohols, amines, thiols, carboxylic acids and derivatives thereof, halides, aldehydes, hydrazides, isocyanates, oxirine ring-containing compounds, and halogenated silanes.

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5. The method according to claim 1, wherein said compound with a log P value of not less than 3.00 is an amine.

6. The method according to claim 1, wherein compound with a log P value of not less than 3.00 is hexadecylamine.